

# United States District Court

NORTHERN DISTRICT OF CALIFORNIA

FILED  
JAN 28 2008  
RICHARD W. WILKINS  
CLERK  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

Venue: San Francisco

V.

Esteban Palacios-Rosas

CRIMINAL COMPLAINT

a/k/a Estevan Palacios-Rosas, Esteban Palacios,  
Gabrial Giegos, Indio Palacios, Estevan Palacios,  
Indio Palacios, and Esteban Indio.

CASE NUMBER:

3 - 08 - 70042

EDL

I, the undersigned complainant being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about January 23, 2008 in Marin County, in the

Northern District of California defendant(s) did,

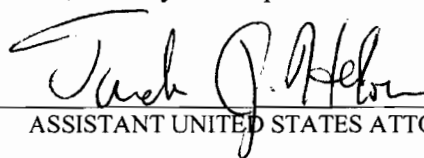
**OFFENSE:** Esteban Palacios-Rosas (a/k/a Estevan Palacios-Rosas, Esteban Palacios, Gabrial Giegos, Indio Palacios, Estevan Palacios, Indio Palacios, and Esteban Indio), an alien, after having been removed, excluded, and deported from the United States, reentered and remained in the United States and was thereafter found in the United States without having obtained the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission into the United States, in violation of Title 8 United States Code, Section(s) 1326.

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:  
Official Title

SEE ATTACHED AFFIDAVIT IN SUPPORT OF THIS COMPLAINT

**PENALTIES:** Imprisonment for not more than twenty (20) years, a fine of not more than \$250,000.00, a \$100.00 dollar special assessment, and 3 years supervised release.

APPROVED AS TO FORM:

  
ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Warrant of Arrest Requested: ☐ Yes ☒ No

Bail Amount: **NO BAIL**

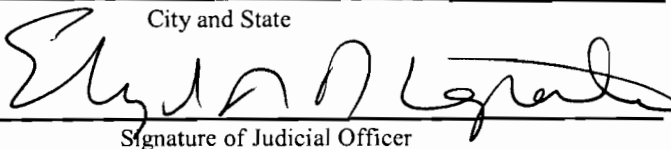
  
Signature of Complainant

Sworn to before me and subscribed in my presence,

Date Jan 28, 2008 at San Francisco, California  
City and State

**Honorable Elizabeth D. Laporte**  
**United States Magistrate Judge**

Name & Title of Judicial Officer

  
Signature of Judicial Officer

3 - 08 - 70042

EDL

STATE AND NORTHERN DISTRICT OF CALIFORNIA )  
 ) ss, AFFIDAVIT  
CITY AND COUNTY OF SAN FRANCISCO )

The undersigned, being duly sworn, do hereby state:

### **I. INTRODUCTION AND PURPOSE OF AFFIDAVIT**

1. My name is Polly E. Kaiser. As set forth below, I believe that probable cause exists to support a complaint against ESTEBAN PALACIOS-ROSAS (a/k/a Estevan Palacios-Rosas, Esteban Palacios, Gabriel Giegos, Indio Palacios, Estevan Palacios, Indio Palacios, and Esteban Indio) for a violation of Title 8 U.S.C. § 1326. The facts set forth in this Affidavit are based on my review of the official Immigration Service file (A72 903 330) for PALACIOS-ROSAS, my personal observations, my training and experience, and where noted, information related to me by other law enforcement officials. However, the facts set forth in this Affidavit are not all facts related to PALACIOS-ROSAS that I know.

### **II. AGENT'S BACKGROUND AND EXPERTISE**

2. I have been a Deportation Officer with the U.S. Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE), formerly the United States Department of Justice (DOJ), Immigration and Naturalization Service (INS), for approximately four years. I am currently assigned under the Field Office Director, San Francisco, California (FOD/SF) in the Detention and Removal Operations (DRO) division. I am presently attached to the Prosecutions Unit of the Criminal Alien Program, a group that is responsible for enforcing federal criminal statutes involving criminal aliens who reenter the United States illegally.

### **III. STATEMENT OF PROBABLE CAUSE**

3. ESTEBAN PALACIOS-ROSAS is a 31 year-old male who is a native and citizen of Mexico. PALACIOS-ROSAS last entered the U.S. illegally by crossing the international border with Mexico on or about October 1996 via California, and knowingly remained in the U.S. without first having obtained the consent to reapply for admission from the Attorney General or the Secretary of the Department of Homeland Security.

4. The official Immigration Service file for PALACIOS-ROSAS contains 2 executed Warrants of Removal. The first is dated April 25, 1996, when PALACIOS-ROSAS was deported from the U.S. to Mexico at Calexico, California after being ordered deported by an immigration judge on April 24, 1996.

5. The second Warrant of Removal shows PALACIOS-ROSAS was removed from the U.S. to Mexico at Otay Mesa, California on September 3, 1996 after being ordered deported by an immigration judge earlier that day.

6. On January 23, 2008, Immigration and Customs Enforcement Officers encountered PALACIOS at San Quentin State Prison in Marin County, which is in the Northern District of California.

7. On January 23, 2008, Immigration Enforcement Agent Michael Shan interviewed PALACIOS-ROSAS, at the Bureau of Immigration and Customs Enforcement District Office in San Francisco, California. After Agent Shan advised PALACIOS-ROSAS of his Miranda rights and the right to speak with the consular or diplomatic officers of his country of citizenship, PALACIOS-ROSAS waived those rights and provided a sworn statement admitting he is a citizen of Mexico. PALACIOS-ROSAS further admitted that that he had previously been deported from the U.S. and had returned to the U.S. after his last deportation without first applying for or receiving permission to re-enter the U.S. from either the Attorney General or the Secretary of the Department of Homeland Security for permission.

8. On January 25, 2008, a full set of rolled fingerprints taken from PALACIOS-ROSAS on January 23, 2008, a set of fingerprints from PALACIOS-ROSAS'S official immigration file taken February 9, 1995, and the right thumb print appearing on PALACIOS-ROSAS'S Warrant of Removal executed April 25, 1996 for case number A72 903 330, were submitted to the Integrated Automated Fingerprint Identification System ("IAFIS"), for verification of identity. Later on January 25, 2008, IAFIS confirmed that all of the previously mentioned fingerprints belonged to the same individual. Those prints also match FBI Record Number 83874RA4. The name associated with FBI Record Number 83874RA4 is Esteban Palacios, which is one of PALACIOS-ROSAS'S aliases.

9. There is no indication in the official files of the U.S. Bureau of Immigration and Customs Enforcement that the defendant has applied for or been granted the requisite permission to re-enter the U.S. from either the Attorney General or the Secretary of the Department of Homeland Security. Further, in his sworn statement, PALACIOS-ROSAS admitted that he had not applied to the Attorney General or the Secretary of the Department of Homeland Security for permission to re-enter the U.S. after he was deported.

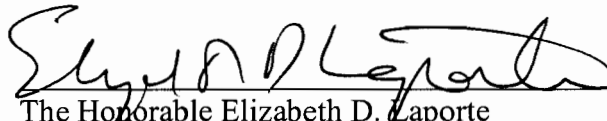
#### IV. CONCLUSION

10. On the basis of the above information, I submit that there is probable cause to believe that ESTEBAN PALACIOS-ROSAS illegally reentered the United States following deportation, in violation of Title 8 U.S.C. § 1326.



Polly E. Kaiser  
Deportation Officer  
U.S. Department of Homeland Security  
U.S. Immigration and Customs Enforcement  
San Francisco, California

Subscribed and sworn to before me this 28 day of January, 2008.



The Honorable Elizabeth D. Laporte  
United States Magistrate Judge  
Northern District of California  
San Francisco, California